

REMARKS

Responsive to the Official Action dated 02/27/04, without necessarily conceding the validity of the rejections set out in the Official Action, the applicant has now placed claim 34 which the Examiner has indicated contains allowable subject matter, in independent form by incorporating claim 26 therein. The remaining claims have been amended to depend from claim 34 and are thus believed now to be in condition for immediate allowance since they incorporate all of the elements of claim 34 and are more specific through the addition of further elements. Favorable consideration and a prompt notice of allowance of claims 27-35 is believed to be in order and is respectfully requested.

37 C.F.R. 112

The Examiner asked what was intended in claim 28 by the expression “non-aqueous solution.” The applicant refers to liquids other than water. This includes non-aqueous liquids that are not generally considered toxic to non-insect species such as humans as, for example, when applied to the skin. This might include things such as glycerin, soy oil, sunflower seed oil or a liquid that will evaporate readily such as alcohol, *e.g.*, ethyl alcohol. Accordingly, the term “non-aqueous solution” is believed to be clear, concise, definite and unambiguous. Favorable consideration and removal of the stated objection under 37 U.S.C. 112 is therefore believed to be in order and is respectfully requested.

Concerning the objection of possible toxic non-aqueous liquids, it is believed that the language of claim 34 as amended which calls for “maintaining the solution substantially devoid of an insecticide, a surfactant or other substance that is toxic to non-

insect species including the higher animals and humans or is harmful to the environment" excludes toxic non-aqueous liquids. Favorable consideration is believed to be in order and is respectfully requested.

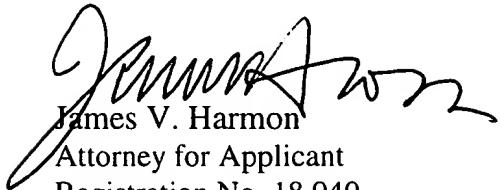
The Examiner has stated that the group of surfactants includes toxic surfactants. To eliminate this possibility, the applicant has specifically provided in claim 34 that the solution is "devoid an insecticide, a surfactant or other substance that is toxic to non-insect species including higher animals and humans." In view of this amendment, the claim language excludes surfactants that may be toxic. Favorable consideration is requested.

To overcome the toxicity objection to claim 33, the claim has now been amended to provide that the cations which are already stated to be "biocompatible" are in an amount that is safe and not toxic to non-insect species, a characteristic that was inherent in the application as filed. How else would the composition as a whole be non-toxic. Moreover, this provision is inherent from the specification as a whole and from the "biocompatible cation" wording already present in the claim. Favorable consideration and removal of the stated objection is therefore believed to be in order and is respectfully requested.

The Examiner has objected to the term "enveloping" because the insect may have to be rolled over to do it. Accordingly, the term "enveloping" has been eliminated.

For these reasons, the remaining amended claims are believed to be in condition for allowance. Favorable consideration and allowance of claims 27-35 is therefore believed to be in order and is respectfully requested.

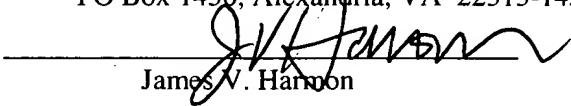
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JVH/lts